

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-095078

04/22/2011

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT

E. Toledo

Deputy

IN RE THE MATTER OF
ANTHONY ROBERT SANDERS

LAURA JANE EDWARDS

AND

TARA LYN MARIE PATE

TARA LYN MARIE PATE
1701 E DON CARLOS #117
TEMPE AZ 85281

TASC - PHOENIX
DR. DAVID WEINSTOCK
FORENSIC COUNSELING &
EVALUATIONS
8350 E. RAINTREE DRIVE
STE 120
SCOTTSDALE AZ 85260

**ORDER REGARDING ASSESSMENT AND DRUG TESTING
RESETTING OF TRIAL**

Courtroom SEF 304

Petitioner's Exhibits 1 through 10 are marked for identification prior to the commencement of today's hearing.

2:09 p.m. This is the time set for Trial regarding Petitioner's Petition for Paternity filed December 20, 2010. Petitioner/Father is present and represented by above-named counsel. Respondent/Mother is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

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Petitioner and Respondent are sworn.

Counsel for the Petitioner presents statements to the Court regarding Mother's psychological evaluation.

Discussion is held with the Court.

2:36 p.m. Court stands in recess.

2:44 p.m. Court reconvenes with all parties and counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Further discussion is held with the Court.

3:08 p.m. Court stands in recess.

3:10 p.m. Court reconvenes with all parties and counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Further discussion is held with the Court.

The Court had scheduled this matter for full evidentiary hearing this date. It was anticipated that Empact would perform an assessment on Mother's mental health issues while there is no doubt that Mother complied fully, the work done by Empact was nothing more than an intake exam. Therefore, there is not the opportunity to assess fully the issues that are pivotal in determining the long term care of the children.

With both parties' consent, this Court made contact with Dr. Weinstock's office. As a result, the Court has secured for both parties the opportunity for a psychological assessment of each parent at not cost for either parent. The Court has this date signed a document entitled "Order Appointing a Psychological Evaluator under Supervision" which allows Ms. Petty, under the supervision of Dr. Weinstock, to perform the assessment.

Understandably, when Mother became aware of the fact that this additional process would delay the completion of the proceedings she became quite distraught. She made statements and took positions that may or may not reflect her longer term view. In any event, the Court shall not in any way weigh against Mother any of the behaviors evidenced in court this

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date. Rather, the Court shall expect that both parties will commit to the process now ordered so that when the evidentiary hearing is conducted, the best available information will be presented.

IT IS THEREFORE ORDERED that by no later than Friday April 29, 2011 each party shall make contact with Ms. Petty's office at the phone number indicated on the order that has been handed to each party this date. They shall each schedule their appointments, execute necessary releases, and cooperate fully so that Ms. Petty can complete her work and submit her report by June 7, 2011. It is noted that this would be an exceptional acceleration of the work and it is therefore critical that both parties cooperate fully.

As for drug testing, Mother notes that she has lost her insurance and was therefore unable to test through Empact. Regardless of whether this is accurate, Mother has agreed to submit to drug testing through TASC at her expense.

IT IS ORDERED that Tara Lyn Marie Pate ("Mother") shall undergo random drug testing on the following basis:

- A. Agency. Mother's random drug testing shall be conducted at the following testing agency:

TASC, Inc.
423 N. Country Club Drive, Suite 19
Mesa, Arizona 85201
Phone: (480) 898-1849
- B. First Test. Mother shall report to TASC no later than April 29, 2011 at 5:00 p.m. for her first test.
- C. Scope. Mother shall undergo a full spectrum substance and drug test (Screen "A") for each test ordered herein.
- D. Cooperation. Mother shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:
 - 1. Mother shall provide such samples as are reasonably required by the testing agency to comply with this order.
 - 2. Mother shall timely report for testing and provide samples as directed by the testing agency.

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3. Mother shall present photo identification to the testing agency at the time of each test.
 4. Mother shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.
- E. Cost. Mother shall pay the cost of her testing in money order or cashier's check at the time of testing.
- F. Frequency & Duration. Mother shall be randomly tested twice per month until further Court order.
- G. Positive/Diluted/Missed Test. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.
- H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a copy of each test result.

IT IS FURTHER ORDERED that Anthony Robert Sanders ("Father") shall undergo random drug testing on the following basis:

- A. Agency. Father's random drug testing shall be conducted at the following testing agency:

TASC, Inc.
423 N. Country Club Drive, Suite 19
Mesa, Arizona 85201
Phone: (480) 898-1849

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- B. First Test. Father shall report to TASC no later than April 29, 2011 at 5:00 p.m. for his first test.
- C. Scope. Father shall undergo a full spectrum substance and drug test (Screen "A") for each test ordered herein.
- D. Cooperation. Father shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:
1. Father shall provide such samples as are reasonably required by the testing agency to comply with this order.
 2. Father shall timely report for testing and provide samples as directed by the testing agency.
 3. Father shall present photo identification to the testing agency at the time of each test.
 4. Father shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.
- E. Cost. Father shall pay the cost of his testing in money order or cashier's check at the time of testing.
- F. Frequency & Duration. Father shall be randomly tested once per month until further Court order.
- G. Positive/Diluted/Missed Test. The failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.
- H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a copy of each test result.

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ISSUED: TASC Referral Form

IT IS FURTHER ORDERED continuing today's Trial to June 28, 2011 at 9:00 a.m. (time allotted: 2 hours) before the Honorable Benjamin Norris, Southeast Judicial District, 222 East Javelina Avenue, Courtroom 404, Mesa, Arizona, 85210.

IT IS FURTHER ORDERED affirming the prior supervised parenting time ordered in January 2011. The Court respects that Mother has feelings that are adverse to the supervisors. Nonetheless, she is not required to engage with the supervisors while visiting with the children; rather, they are to be present for the safety and protection of the children.

LET THE RECORD REFLECT that the Mother has left the courtroom and is no longer a participant in the proceedings.

Further discussion is held with the Court.

3:51 p.m. Matter concludes.

FILED: Order Appointing a Psychological Evaluator under Supervision

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

IT IS FURTHER ORDERED signing this Minute Entry as a formal written order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/s/: BRUCE R. COHEN

THE HONORABLE BRUCE R. COHEN
JUDICIAL OFFICER OF THE SUPERIOR COURT